

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MAURICE MILES, SR.,
Petitioner,
v.
PEOPLE OF THE STATE OF
CALIFORNIA, et al.,
Respondents.

No. 2:21-cv-01143-TLN-DB

ORDER

This matter is before the Court on Petitioner Maurice Miles, Sr.’s (“Petitioner”) request for relief and to reopen the case. (ECF No. 12.) Petitioner filed his petition on June 28, 2021. (ECF No. 1.) On August 2, 2021, the magistrate judge ordered Petitioner to submit, within 30 days, an affidavit to proceed *in forma pauperis* or pay the appropriate filing fee. (ECF No. 6.) Petitioner failed to comply with the order and nearly two months later, on September 28, 2021, the magistrate judge issued an order to show cause why this matter should not be dismissed for Petitioner’s failure to prosecute and to comply with Court orders. (ECF No. 7.) Petitioner failed to respond to the Court’s order and on October 28, 2021, the magistrate judge issued findings and recommendations recommending the action be dismissed without prejudice. (ECF No. 8.) On January 7, 2022, this Court adopted the magistrate judge’s findings and recommendations, and

1 judgment was entered. (ECF Nos. 10, 11.)

2 Over six months later, Petitioner brought the instant motion, largely arguing the points
3 made in his initial petition. (*See* ECF No. 12.) Petitioner has still failed to comply with the
4 Court's directive: to file an affidavit to proceed *in forma pauperis* or pay the requisite filing fee.
5 Accordingly, the Court cannot consider Petitioner's request.

6 To the extent Petitioner is asking the Court to review its prior decision, pursuant to "Rule
7 59(e), a motion for reconsideration should not be granted, absent highly unusual circumstances,
8 unless the district court is presented with newly discovered evidence, committed clear error, or if
9 there is an intervening change in the controlling law." *389 Orange St. Partners v. Arnold*, 179
10 F.3d 656, 665 (9th Cir. 1999).

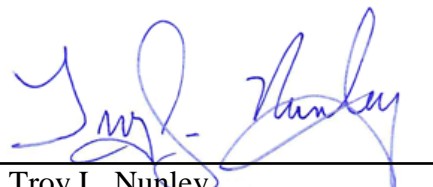
11 The Court has carefully reviewed the entire file, including Petitioner's request. (ECF No.
12 12.) The Court finds the findings and recommendations to be supported by the record and by
13 proper analysis. Simply put, the Rule 59(e) standard is not met here.

14 For the aforementioned reasons, the Court hereby DENIES Request for Relief and to
15 Reopen the Case. (ECF No. 12.)

16
17 IT IS SO ORDERED.

18 **DATE: February 7, 2023**

19
20
21
22
23
24
25
26
27
28



Troy L. Nunley
United States District Judge